IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

GUARDIANSHIP PETITION NO.86 OF 2005

In the matter of Guardian and Wards Act VIII of 1890.

Suresh Kumar Gupta. ..Petitioner.

Mr.Shailesh Nagvadaria for petitioner.

CORAM: A.M.KHANWILKAR,J

DATE : AUGUST 3, 2005.

P.C. :

1. Heard counsel for the petitioner.

2. Valuation report from M/s. Nadkarni & Co. was received in sealed cover, in terms of order dated 4th May, 2005. The Associate was directed to open the sealed cover and place valuation report for consideration. Perused the valuation reported dated 16th May, 2005.

3. Petitioner is the father of the minor. The petitioner purchased flat No.501, in Wing B, on 5th floor of the building of Arjun Niwas (SRA) Co-op. Housing Society Ltd., Village Poisar, Bhatt Lane, Kandivali(West),Mumbai 400 067, in the name of the minors sometime in July, 1999. Later on occupants of the building formed cooperative society. The names

of Samar K. Gupta and Hardik Agarwal, sons of the petitioner were entered in the share certificate issued by the society. The petitioner proposes to dispose of the said flats for the benefit of the minors, so as to meet their education and maintenance expenses. The petitioner alongwith the minors is residing in the adjoining flat, which according to the petitioner, is sufficient to meet with the present requirement of family.

4. As petitioner is the father and natural guardian of the minors and the proposed transaction is in the interest of the minors, to meet the expenses towards their maintenance and for education, coupled with the fact that the valuation report indicates that market value of the flat agreed under the agreement is matching, petition is made absolute in terms of prayer clause (a) to (i). Ordered accordingly.

5. Sale proceed be deposited by the petitioner within four weeks from today. Petitioner also to deposit the sum of Rs.6,025/- to meet the bill raised by the valuer dated 15th May, 2005 within four weeks. Upon such deposit being made, Prothonotary and Sr.Master to release the amount to the concerned

valuer.